

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2004-0072

CEASE AND DESIST ORDER  
REQUIRING  
CITY OF MARYSVILLE  
WASTEWATER TREATMENT AND RECLAMATION FACILITY  
YUBA COUNTY

TO  
CEASE AND DESIST  
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The Regional Water Quality Control Board, Central Valley Region, (hereafter referred to as “Regional Board”) finds that:

1. Waste Discharge Requirements (WDRs) Order No. 5-01-071 adopted by the Regional Board on 16 March 2001, prescribes requirements for the City of Marysville (hereafter referred to as “Discharger”).
2. The wastewater treatment facility is on Bizz Johnson Drive, Marysville on property owned by the Discharger. A portion of the available land application area (a walnut orchard) is owned by Bruce and Mary Jenkins. The discharge of recycled water to that area is regulated by Water Recycling Requirements Order No. 5-01-052.

**BACKGROUND**

3. The main wastewater treatment facility includes secondary treatment followed by disposal to percolation/evaporation ponds and irrigation of a walnut orchard. The Discharger has also installed a Tertiary Treatment Unit (TTU) that is designed to treat wastewater to tertiary standards, followed by irrigation on soccer fields.
4. The wastewater treatment system was originally constructed in the 1950’s. Secondary treatment and trickling filters were added in the 1960’s, and the TTU was added in the 1990’s.
5. The system treats approximately 1.5 million gallons of wastewater per day (mgd) and has occasionally reached the flow limit of 1.7 mgd. Because the Feather and Yuba Rivers limit the service area, large increases in the wastewater flow rate are not anticipated. However, because the Discharger has reached its flow limit, it must investigate either expanding the treatment plant or reducing inflow/infiltration to the plant.
6. The wastewater treatment equipment headworks, grit chamber, primary clarifiers, trickling filters, secondary clarifier, anaerobic digesters, sludge drying beds, and TTU are located behind a levee providing protection from a 100-year flood event. However, the wastewater percolation/evaporation ponds and land application areas are located within the 100-year floodplain of the Yuba and Feather Rivers.

## **VIOLATIONS OF THE WASTE DISCHARGE REQUIREMENTS**

7. The TTU is designed to treat up to 0.8 mgd of wastewater to produce an effluent meeting Title 22 recycled water standards for discharge to existing and proposed soccer fields. The use of this TTU will reduce the demand on the percolation/evaporation ponds during periods of dry weather, which will in turn increase their wet weather storage and disposal capacity. However, the Discharger has been unsuccessful in operating the TTU reliably enough to allow discharge to the soccer fields.
8. There are a total of 33 percolation/evaporation ponds on either side of the river, covering approximately 77 acres of land. On-site and off-site ponds are protected by levees from only a 10-year flood event. The WDRs require that 100-year flood protection be obtained by 1 April 2006, and because the City has not yet completed the necessary planning or funding activities, it will not be able to meet that date.
9. A pipeline beneath the Yuba River allows discharge of wastewater from the facility to the off-site ponds. The Discharger installed two flow meters to determine if the pipeline is leaking. However, the Discharger has not maintained the meters and therefore it is not possible to determine whether or not the pipeline is leaking, allowing wastewater to enter the Yuba River in violation of the WDRs.
10. Sludge is directed to sludge drying beds. The center collectors of these beds are unlined, allowing leachate to contact the soil directly and possibly degrade groundwater. It is unknown whether the Discharger is able to meet its Groundwater Limitations in the vicinity of the sludge drying beds.
11. On 19 February 2002, the City was issued a Notice of Violation for inadequate freeboard in wastewater storage ponds and for failure to submit several technical reports required by WDRs Order No. 5-01-071. The Discharger corrected the freeboard violation but did not submit the technical reports.
12. Due to the failure to submit the required technical reports, on 23 January 2003, the Executive Officer issued a California Water Code Section 13267 Order requiring the submittal of technical reports required by WDRs Order No. 5-01-071. The following reports were required by the WDRs but had not been submitted:
  - Provision F.1 Comply with the General Permit for Discharges of Storm Water Associated with Industrial Activities by filing a Notice of Intent or Notice of Non-Applicability.
  - Provision F.2 A technical report on field measurement accuracy and precision for plant influent flow, flow to the evaporation/percolation ponds, flow to the walnut orchard, flow to the tertiary irrigation system, and all pond freeboard measurements was required by 1 June 2001.
  - Provision F.3 A technical report detailing corrective actions and contingency plans to be taken when treatment plant effluent quality fails to meet required standards or limitations was required by 2 July 2001.

- Provision F.4     An updated sludge disposal plan describing the annual volume of sludge generated by the plant and specifying the disposal practices was required by 2 July 2001.
- Provision F.5     An Operations and Maintenance (O&M) Manual was to be prepared by 2 July 2001.
- Provision F.6     A report on the commercial and/or industrial dischargers within the service area was required by 3 September 2001.
- Provision F.7     A report describing compliance with Discharge Specifications B.10 and B.11 was required by 1 October 2001.
- Provision F.8     A technical report providing an assessment of alternatives, cost analysis, implementation plan, and proposed time schedule for attaining protection from the 100-year return frequency storm event was required by 3 July 2002.
13.     The Discharger has recently submitted an application to comply with the General Permit for Stormwater Discharges, the flow measurement report, the corrective actions and contingency report, the sludge disposal plan, an operations and maintenance report, and a listing of commercial/industrial dischargers within the service area. These reports meet the requirements of Provisions No. F.1 through F.6. However, the Discharger has not complied with Provisions No. F.7 or F.8 of the WDRs.

### **REGULATORY CONSIDERATIONS**

14.     As a result of the events and activities described in this Order, the Regional Board finds that the Discharger has caused or permitted waste to be discharged in such a manner that it has created, and continues to threaten to create, a condition of pollution or nuisance. The Regional Board also finds that the Discharger is discharging waste in violation of WDRs Order No. 5-01-071, as described in the above Findings.
15.     The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. Pursuant to Section 13263(a) of the California Water Code, waste discharge requirements must implement the Basin Plan.
16.     Surface water drainage is to the Feather River and Yuba River. The beneficial uses of the Feather River and Yuba River are municipal and domestic supply; agricultural supply; water contact recreation; non-noncontact water recreation; warm freshwater habitat; cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat.

17. The beneficial uses of the underlying groundwater are municipal and domestic water supply, agricultural supply, industrial service supply, and industrial process supply.
18. Section 13301 of the California Water Code states in part: "When a Regional Board finds that a discharge of waste is taking place or threatening to take place in violation of the requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action."
19. Section 13267(b) of the California Water Code states: " In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."
20. The Discharger operates the facility that discharges the waste subject to this Order. Technical reports are necessary to assure compliance with Order No. 5-01-071 and with this Order, and to assure protection of public health and safety.
21. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
22. On 4 June 2004, in Sacramento, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider the Cease and Desist Order.
23. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA, 95812-0100, within 30-days of the date on which the Regional Board action took place. Copies of the law and regulations applicable to filing petitions are available at [http://www.swrcb.ca.gov/water\\_laws/cawtrcde/wqpetition\\_instr.html](http://www.swrcb.ca.gov/water_laws/cawtrcde/wqpetition_instr.html) and also will be provided upon request.

**IT IS HEREBY ORDERED** that pursuant to Sections 13301 and 13267 of the California Water Code, the City of Marysville, its agents successors, and assigns, shall in accordance with the following tasks and time schedule, implement the following measures and the facility upgrades required to ensure long-term compliance with WDRs No. 5-01-071.

Each document submitted under this Order shall bear the following certification signed by the Discharger:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

1. The Discharger shall comply with all aspects of WDRs Order No. 5-01-071, except for Provision F.9, which states: *"In accordance with Discharge Specification B.9, the Discharger shall implement an approved alternative project which will achieve compliance by 1 April 2006."* This Provision refers to protecting the facility and all wastewater disposal areas from a flood with a 100-year return frequency.
2. By **1 August 2004**, the Discharger shall submit a *Feasibility Study and Master Plan Workplan* describing the studies to be completed to which will lead to compliance with the WDRs. At a minimum, the following options must be studied: remove the wastewater ponds from the 100-year floodplain, improve the levee protection of the ponds to protect the ponds from inundation from a 100-year flood event, obtain a year-round National Pollutant Discharge Elimination System (NPDES) permit, or obtain a winter-only NPDES permit. The workplan shall describe the water quality sampling that will be conducted to determine the feasibility of applying for an NPDES permit. In addition, the workplan shall evaluate the existing collection system and in particular: study the deficiencies, impacts of infiltration and inflow, projected flow and capacity analysis, projected development both inside and outside present service area, and future growth impacts. The workplan shall also address existing treatment system deficiencies, effluent disposal options, potential groundwater impacts, improvement alternatives for the existing wastewater system, and future growth alternatives.
3. By **1 August 2004**, the Discharger shall submit a *Groundwater Sampling and Analysis Plan* that describes instructions and procedures for proper purging and sampling of monitoring wells; equipment decontamination; sample handling, storage and shipment; and completing the chain of custody. The SAP must clearly describe the location of all groundwater monitoring wells, provide well construction details, and evaluate whether additional groundwater monitoring wells are necessary. In addition, the SAP must describe the following:
  - a. The method used to obtain water level measurement data from each well. Also explain what is used for a reference point when collecting water level data;
  - b. How the wells are purged prior to sampling, and how it is ensured that a representative sample is being collected from each well. Provide a sample of the data sheet that will be used during purging and sampling of the wells;
  - c. Decontamination procedures for equipment used to purge and/or sample the groundwater;
  - d. A list of analytical methods that will be used, including a list of any necessary preservation methods;
  - e. Sample collection and handling procedures, including use of chain of custody; and
  - f. QA/QC procedures.

4. By **1 September 2004**, the Discharger shall submit a *Title 22 Engineering Report* for the application of recycled water as required by California Code of Regulations Title 22 Section 60323. The Title 22 report shall contain the information listed in Attachment A to this Order, and shall be submitted both to the Regional Board and the Department of Health Services.
5. By **1 September 2004**, the Discharger shall submit a letter report certifying that the Tertiary Treatment Unit has been upgraded and is operational.
6. By **1 December 2004**, the Discharger shall submit a *Tertiary Treatment Unit Upgrade Report*. The report shall document that the TTU is operational, and shall include a description of the changes made to the system to make it reliable, how much wastewater has been treated with the system, a discussion of system uptime/downtime, how often the system is operated, and where the wastewater is applied. The report shall also include a description of where bypass water (water that doesn't meet the tertiary standards) is discharged and how it is separated from the recycled water.
7. By **1 December 2004**, the Discharger shall submit a *Flow Meter Installation Report* describing installation of sufficient flow meters to (a) allow determination of flow rate and total gallons discharged to the wastewater storage ponds and the land application areas, and (b) adequate to determine if the Yuba River pipeline is leaking wastewater. The report shall clearly show that the meters were installed and are operational.
8. By **1 January 2005**, The Discharger shall submit a *Sludge Bed Lining Report* describing in detail how the sludge drying beds have been lined such that the discharge of waste will comply with the Groundwater Limitations of the WDRs.
9. By **31 September 2006**, the Discharger shall submit a *Feasibility Study and Master Plan Results*. This document shall describe the items studied (as described in Item 2, above) and shall fully describe the preferred alternative the Discharger has chosen to comply with Discharge Specification B.9 of WDRs Order No. 5-01-071. The report shall contain a preliminary (conceptual) design for the preferred alternative and provide a detailed proposed schedule for submittal of a RWD, engineering design, permitting, and construction. The report shall also describe how the Discharger will fund the project.
10. **Beginning with the Third Quarter of 2004**, the Discharger shall submit *Quarterly Project Status Reports*. The quarterly reports shall describe all work completed during the quarter in response to this Cease and Desist Order. Quarterly project status reports shall be submitted by the **1st day of the second month following the end of the quarter** (e.g., the Third Quarter 2004 report is due by 1 November 2004) and may be combined with the quarterly monitoring reports required by WDRs Order No. 5-01-071.

In accordance with California Business and Professions Code Sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not

explicitly stated. Each technical report submitted by the Discharger shall contain a statement of qualifications of the responsible licensed professional(s) as well as the professional's signature and/or stamp of the seal.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement and/or may issue a complaint for administrative civil liability.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability (ACL) up to \$1,000 or up to \$10,000 per day of violation, depending on the violation, pursuant to the CWC, including sections 13268, 13271, 13350 and 13385. The Regional Board reserves its right to take any enforcement actions authorized by law.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 4 June 2004.

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THOMAS R. PINKOS, Executive Officer

Attachment A: Guidelines for the Preparation of an Engineering Report for the Production, Distribution, and Use of Recycled Water

TRO: 06/04/04